

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

UNITED STATES OF AMERICA
Plaintiff,

vs.

SHAWN DEWAYNE JOHNSON
Defendant.

§ **CASE NO. 2:19-CR-01458(1)-AM**
§
§ **JUDGE: ALIA MOSES**
§
§ **MAGISTRATE JUDGE: VICTOR R.**
§ **GARCIA**
§
§
§

UNOPPOSED MOTION TO CONTINUE

Defendant, **SHAWN DEWAYNE JOHNSON**, through counsel, hereby files this Unopposed Motion to Continue and respectfully requests the Court to continue the trial date in the above-captioned matter from August 20, 2019, to a date convenient to the Court, with new pretrial deadlines set accordingly. In support of this Motion, Defendant states as follows:

1. Mr. Johnson was arrested on May 30, 2019. On May 31, 2019, a Criminal Complaint was filed alleging that Mr. Johnson attempted to possess, with intent to manufacture, distribute or dispense, approximately five kilograms of cocaine, a schedule II controlled substance in violation of Title 21 U.S.C.A. §846, and an arrest warrant was issued.
2. Mr. Johnson's counsel has a conflict with the scheduled trial date of August 20, 2019, as she is already scheduled on the trial calendar for the August term in the Western District of Texas before the Honorable Sam Sparks.
3. Mr. Johnson's counsel cannot appear in both courts at the same time.

4. Additionally, the parties are awaiting additional discovery. The additional discovery is necessary for drafting pretrial motions. The Court's General Order Concerning Discovery and Pretrial Motions requires the motions expected to be filed in this case to be filed within 30 days from the first date of the Defendant's arraignment which would be August 10. Section VIII, Dkt 16. Counsel requests an extension of this deadline.
5. A failure to grant a continuance would result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).
6. Taking into account the exercise of due diligence, a failure to grant a continuance would deny defense counsel the reasonable and necessary time to review documents and find witnesses, which are necessary for effective preparation and necessary to reach a just resolution, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv).
7. The additional time requested is a reasonable period of delay, as defense counsel is unavailable for the current date of trial and discovery is still being provided to defense counsel.
8. The time period from the date of the Court's Order to the new trial date is excludable for purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. § 3161(h).
9. The Government does not oppose this request.
10. This request is not made for purposes of delay.

CONCLUSION AND PRAYER

For the foregoing reasons, Defendant Johnson respectfully requests that the Court grant this Motion to Continue the Trial set for August 20, 2019. Defendant Johnson also respectfully requests that the Court exclude the time period from the date of the Court's Order to the new trial date for the purposes of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §3161(h).

Respectfully submitted,

/s/ Daphne Pattison Silverman
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Attorney for Defendant

CERTIFICATE OF CONFERENCE

Defendant's counsel and counsel for the government, James T. Ward, discussed this motion and AUSA Ward advised that the government is unopposed.

/s/ Daphne Pattison Silverman
Daphne Pattison Silverman
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Daphne Pattison Silverman, do hereby certify that on this the 17th day of July, 2019, a true and correct copy of the foregoing document was served on all parties of record via electronic service.

/s/ Daphne Pattison Silverman
Daphne Pattison Silverman
Attorney for Defendant